

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKAnthony Malik Ellis
AKA Malik Ellis 8951400742

15CV 9531

(In the space above enter the full name(s) of the plaintiff(s).)

~~City of New York~~
~~Deputy Warden Dunbar~~
~~Captain Johnson~~
~~Co George 18912~~
~~Co Paul Luck 7093~~
~~Co B Gonzalez 11068~~
~~Co Negrón 2019~~

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

ID #

Current Institution

Address

Anthony Malik Ellis
8951400742Otis Bantam Correctional Center16-00 Hazen Street
East Elmhurst NY 11376

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name

Where Currently Employed

Address

Deputy Warden Dunbar

Shield #

OBCC16-00 Hazen Street
East Elmhurst NY 11370

Defendant No. 2

Name Captain Johnson #834 and Co George #78912 Shield # _____
 Where Currently Employed OBCC
 Address 16-00 Hazen Street
East Elmhurst NY 11370

Defendant No. 3

Name Co Pennicchio Shield # 7039
 Where Currently Employed OBCC
 Address 16-00 Hazen Street
East Elmhurst NY 11370

Defendant No. 4

Name Co B. Gonzalez Shield # 11068
 Where Currently Employed OBCC
 Address 16-00 Hazen Street
East Elmhurst NY 11370

Defendant No. 5

Name Co Negrón Shield # 3019
 Where Currently Employed OBCC
 Address 16-00 Hazen Street
East Elmhurst NY 11370

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur?
OBCC
- B. Where in the institution did the events giving rise to your claim(s) occur?
in the Segregation intake and 3 South
- C. What date and approximate time did the events giving rise to your claim(s) occur?
At on Sep October 1, 2015 at 1:00 pm

See Attached

D. Facts:

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

I was not allowed to go to court which caused me the injury of staying in jail for 1 and a half months longer than I should've or had to be.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

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1. ON The Date and approximate time of ~~28 October 2015~~ October 28, 2015 at 1:00 PM while Being received in the Segregate intake Co George told the Captain Captain Johnson that I Rang through the metal detector. I then cleared the Magnometer twice in front of Co George.

2. At this point Captain Johnson came and asked me to get Ready to go to Isolation. I told him I cleared the magnometer and am requesting a chance to clear in front of him. He told me go through the mag, I went through, He then told me walk through slow. I Rang, then I Requested one last chance to clear I walked through the magnometer twice and did not ring and Captain Johnson sent me to Isolation for ~~8~~ 8 days.

3. During this 8 Days of cruel and unusual punishment I awaited another chance to clear the magnometer and an X-Ray after taking an X-Ray the following Monday I was still held in Isolation for 3 more days. I was Denied the Right to attend court on Monday the 5th of October. And Received NO Recreation NO phone call to my lawyer or Received in coming or out going mail.

4. on the 3rd, 4th, and 5th I was accosted several different times by CO Pauluccio who continued to make racial comments and harass me myself and my ~~neighbor~~ neighbor in 5 cell.

5. on 10/7/2015 CO Negron and CO Gonzalez denied me clean cold water and the window crank to open my window because the temperature in my cell was over 80° due to the heat being turned on on the 5th, also Captain Augustini and Deputy Warden Dunbar Reinforced CO Gonzalez's decision to not give me the window crank or take me out of my cell for the CO to open my window.

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). OBCC

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☒ Do Not Know ☐

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? In OBCC

1. Which claim(s) in this complaint did you grieve? all

2. What was the result, if any? non grievable issue

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. Appealed the grievance

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: _____

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. _____

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

I want to be compensated for pain and suffering and the 1 1/2 month I spent incarcerated due to the unlawful isolation that caused me to miss court. And punitive damages for Co George's and Captain Johnson's deliberate disregard for my civil rights to be determined at the disposition of this suit. Also injunctive relief that the City of New York stop using isolation as a punishment.

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☐

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes ☒ No _____

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) Southern District of New York

3. Docket or Index number 15 CV 4121

4. Name of Judge assigned to your case Alison Nathan

5. Approximate date of filing lawsuit 8/25/15

6. Is the case still pending? Yes ☒ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) None to date

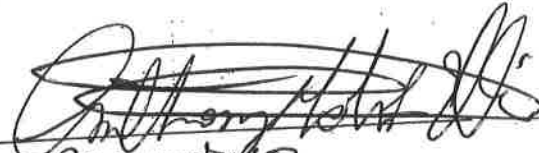
I declare under penalty of perjury that the foregoing is true and correct.

Signed this ____ day of _____, 20__.

Signature of Plaintiff

Inmate Number

Institution Address


8951400742
16-00 Hazen Street
East Elmhurst NY
11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this ____ day of _____, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

Anthony Malik Ellis
8951400747

16-00 Hazen Street
East Elmhurst NY 11370



* Legal Mail *

United States District Court
Southern District of New York

PIO & affice
320 Pearl Street
New York NY 10007



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